

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DAVENNE et al.
Serial No.: 10/594,260
Filed: September 25, 2006
International Application No.: PCT/GB2005/001087
I. A. Filing Date: March 22, 2005
Docket No.: M04B101

Title: GEAR ASSEMBLY

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence and every writing referred to herein as being enclosed is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450 on July 29, 2008.
(Date)

Betty Lee
Printed name of person signing this certificate

Betty Lee
Signature of person mailing

Sir:

RENEWED PETITION UNDER 37 CFR 1.47(a)

This is in response to the Decision on Petition under 37 C.F.R. § 1.47(a) mailed January 14, 2008. The applicant(s) hereby respectfully request(s) reconsideration of its petition to the Commissioner of Patents and Trademarks to accept the filing of the above-identified application by other than all of the joint inventors in accordance with the provisions of 37 C.F.R. § 1.47(a).

Applicant previously submitted on October 29, 2007: (a) a declaration of joint inventor(s) John Cambridge Smith on his (or her) own behalf and on behalf of the omitted inventor(s); and (b) a statement of facts in support of filing on behalf of the omitted inventor(s).

Attached hereto is a supplemental statement of facts in support of filing on behalf of the omitted inventor(s).

The name, last known address and citizenship of the joint inventor who refuses to execute the application or cannot be reached is as follows:

Full name: Tristan Richard Ghislain Davenne

Citizenship: United Kingdom

Residence address: 15 Chapel Road
Epping
Essex
CM16 5DS

Country of residence: United Kingdom

The Commissioner is requested to grant a five-month extension of time and is hereby authorized to charge to Deposit Account No. 50-4244, the \$2,230.00 fee required. The Examiner is authorized to charge any additional fee, if required, to our Deposit Account No. 50-4244. This request is submitted **in duplicate**.

Respectfully submitted,

Date: 7/28/08
Edwards Vacuum, Inc.
Legal Services-Intellectual Property
55 Madison Avenue, Suite 400
Morristown, NJ 07960


Mary K. Nicholes
Mary K. Nicholes
Reg. No. 56,238
Patent Agent for Applicant(s)
(973) 285-3309

Customer No. 71134

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DAVENNE et al.
Serial No.: 10/594,260
Filed: September 25, 2006
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Citizenship: United Kingdom

Residence address: 15 Chapel Road
Epping
Essex
CM16 5DS

Country of residence: United Kingdom

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Respectfully submitted,


Mary K. Nicholes
Reg. No. 56,238
Patent Agent for Applicant(s)
(973) 285-3309

Date: 7/28/08

Edwards Vacuum, Inc.
Legal Services-Intellectual Property
55 Madison Avenue, Suite 400
Morristown, NJ 07960

Customer No. 71134

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Applicant: DAVENNE et al.
Serial No.: 10/594,260
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(Date)

Betty Lee
Printed name of person signing this certificate

Betty Lee
Signature of person mailing

Sir:

**SUPPLEMENTAL STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NON-SIGNING INVENTOR (37 C.F.R. § 1.47)**

This supplemental statement together with the October 29, 2007 statement is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the non-signing inventor for the above-identified patent application. This supplemental statement is being made by the available person having first-hand knowledge of the facts recited herein.

Last Known Address of the Non-signing Inventor

Tristan Richard Ghislain Davenne

Full Name of Non-signing Inventor

15 Chapel Road, Epping, Essex, CM16 5DS, United Kingdom

Last Known Address of Non-signing Inventor

Details of Efforts to Reach Non-signing Inventor

On February 5, 2008, I sent Mr. Davenne the attached letter dated February 5, 2008 which was sent to him by courier (i.e. DHL No. 8649503052) together with a copy of patent application serial number 10/594,260, filed September 25, 2006, entitled Gear Assembly. Also enclosed with the letter were an inventor's Declaration form *listing the correct inventive entity*, an Assignment form, and a Power of Attorney form for his review and execution. A copy of the February 5, 2008 letter, patent application, and forms as sent to Mr. Davenne are attached. I sent the letter to Mr. Davenne's last known address at the time. Thereafter I learned that "Davenne" signed for the package and that the shipment was delivered as evidenced by the attached tracking history for DHL No. 8649503052, the entries entitled "Signed for by" and "2/7/2008 10:17 am."

On March 5, 2008, I sent Mr. Davenne the attached follow-up letter dated March 5, 2008 which was sent to him by courier (i.e. DHL No. 8649503133). The March 5, 2008 correspondence included a copy of the letter, patent application, and forms as sent to Mr. Davenne on February 5, 2008 (*See* attached March 5, 2008 correspondence). The March 5, 2008 letter requested Mr. Davenne to contact me at his earliest convenience. Thereafter I learned that "Davenne" signed for the package and that the shipment was delivered as evidenced by the attached tracking history for DHL No. 8649503133, the entries entitled "Signed for by" and "3/26/08 10:07 am." Neither my office nor I ever received from Mr. Davenne a response to my letter or the executed application papers.

On May 16, 2008, I sent Mr. Davenne the attached follow-up letter dated May 15, 2008 which was sent to him by courier (i.e. DHL No. 8645994280). The May 16, 2008 correspondence included a copy of the letter, patent application, and forms as sent to Mr.

Davenne on March 5, 2008 (*See* attached May 16, 2008 correspondence). The May 15, 2008 letter requested Mr. Davenne to contact me as soon as possible. According to the attached tracking history for DHL No. 8645994280, as of June 6, 2008, the package was unable to be delivered after repeated attempts by DHL to deliver the package to Mr. Davenne.

Details of Refusal of Non-signing Inventor to Sign Application Papers

Despite my above-mentioned attempts to contact Mr. Davenne, and the previous attempts by myself and my colleagues to contact Mr. Davenne as detailed in the October 29, 2007 statement of facts, I have never received any communication from Mr. Davenne and, more particularly, nor have I ever received the executed application papers. Accordingly, in view of the above-mentioned facts, together with the October 29, 2007 statement of facts, Mr. Davenne has refused to sign the declaration and thereby join in the application.

Mary K. Nicholes
Name of Person making Statement
Mary K. Nicholes
Signature of Person making Statement Date 7/28/08



Track results detail

[► Print this page](#)

Tracking results detail for 8649503052

Tracking summary

Current Status	<input checked="" type="checkbox"/> Shipment delivered.
Delivered on	2/7/2008 10:17 am
Delivered to	
Signed for by	DAVENNE

Tracking history

Date and Time	Status	Location
2/7/2008 10:17 am	Shipment delivered.	Gatwick, United Kingdom
	With delivery courier.	Gatwick, United Kingdom
	6:52 am	Gatwick, United Kingdom
	3:44 am	East Midlands, United Kingdom
	Depart Facility	East Midlands, United Kingdom
2/6/2008 6:23 pm	Transit through DHL facility	Wilmington - Clinton Field, OH
	7:13 am	Wilmington - Clinton Field, OH
	2:27 am	Allentown Hub, PA
	In transit.	
2/5/2008 10:56 pm	Transit through DHL facility	Parsippany, NJ
	12:29 am	Parsippany, NJ
	Depart Facility	Parsippany, NJ
2/5/2008 8:56 pm	Processed at DHL Location.	Parsippany, NJ
	7:22 pm	Parsippany, NJ
Shipped from: BOC EDWARDS INC Morristown, NJ 07960 United States		Shipment Information: Ship date: 2/5/2008 Pieces: 1 Total weight: 1 lb *

Tracking detail provided by DHL: 2/8/2008, 2:06:15 pm pt.

You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to DHL. Any other use of DHL tracking systems and information is strictly prohibited.

* Note on weight:

The weights displayed on this website are the weights provided when the shipment was created. Actual chargeable weights may be different and will be provided on invoice.



LEGAL SERVICES - INTELLECTUAL PROPERTY

VIA DHL

February 5, 2008

55 Madison Avenue
Morristown, NJ 07960
USATel: +1 973 285 3309
In USA: +1 800 848 9800
Fax: +1 973 285 3320

Mr. Tristan Richard Ghislain Davenne
15 Chapel Road
Epping
Essex CM16 5DS
United Kingdom

RE: U.S. Patent Application No. 10/594,260
Filing Date: September 25, 2006
Title: GEAR ASSEMBLY
Dkt. No. M04B101

Dear Mr. Davenne:

In following up with you, once again, regarding my correspondence of October 9, 2007, it has come to my attention that a page of the Declaration mailed to you on October 9th was inadvertently not included.

Accordingly, enclosed please find a copy of the above-referenced patent application for the invention of which you are a co-inventor. Also enclosed for your execution is (a) a complete inventor's Declaration to be signed (and dated) by you in blue ink; (b) an Assignment which you should sign on the same date that you sign (and date) the Declaration; and (c) a Power of Attorney and Correspondence Address Indication Form which you should also please sign and date.

Please review the application carefully and make sure that you agree with its contents prior to executing the Declaration.

If there are no changes to be made, please read the Declaration carefully, paying particular attention to the fact that, by signing the Declaration, you acknowledge the following:

- a) To the best of your knowledge, you are the first and true inventor of the subject matter of the patent application.
- b) You owe the highest duty of candor and good faith in your dealings with the Patent and Trademark Office, and in discharge of this duty, you must disclose to the Patent and Trademark Office any information of which you are aware that is "material to examination of this application" as defined in the attached 37 CFR § 1.56. Such information is material when, at least in part, there is a substantial likelihood that a patent examiner would consider it important in deciding whether the subject matter of the present application is patentable.

After these steps have been taken, please sign (and date) the Declaration.

The Assignment should be signed by you and witnessed at the same time that you sign and date the Declaration.

The Power of Attorney and Correspondence Address Indication Form should be signed and dated by you.

Please return the application copy with the singed Declaration, singed Assignment and singed Power of Attorney. The extra copy of the application is for your records.

Mr. Tristan Richard Ghislain Davenne
February 5, 2008
Page 2

I look forward to receiving these papers as soon as possible. Indeed, please send me an e-mail regarding when the papers can be expected.

On behalf of Edwards Vacuum, Inc., thank you once again for your submittal of the above-referenced invention record on which the patent application is based. If you have any concerns or questions, please do not hesitate to contact me.

Best Regards,



Kristi Nicholes | Patent Agent | Edwards
Tel: 1 973 285 3309 | Mobile: 1 862 812 4944 | kristi.nicholes@edwardsvacuum.com

Enclosures

Declaration (attached to § 1.56 and application as filed)
Application as filed
Power of Attorney
Assignment

MKN:bjl

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted With Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	M04B101
First Named Inventor	DAVENNE et al.
COMPLETE IF KNOWN	
Application Number	10/594,260
Filing Date	September 25, 2006
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

GEAR ASSEMBLY

(Title of the Invention)

the specification of which

 is attached hereto

OR

 was filed on (MM/DD/YYYY) as United States Application Number or PCT InternationalApplication Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	YES	Certified Copy Attached? NO
0406887.0	GB	03/26/2004	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	<input checked="" type="checkbox"/> The address associated with Customer Number:	71134	OR	<input type="checkbox"/> Correspondence address below
Name				
Address				
City		State	ZIP	
Country	Telephone	Email		

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:	<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) TRISTAN RICHARD GHISLAIN	Family Name or Surname DAVENNE		
Inventor's Signature			Date
Residence: City EPPING, ESSEX	State	Country UNITED KINGDOM	Citizenship UNITED KINGDOM
Mailing Address 15 CHAPEL ROAD			
City EPPING, ESSEX	State	Zip CM16 5DS	Country UNITED KINGDOM
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the <u>one</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION**ADDITIONAL INVENTOR(S)
Supplemental Sheet**

Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
JOHN CAMBRIDGE		SMITH	
Inventor's Signature		Date	
STEYNING, WEST SUSSEX Residence: City	State	UNITED KINGDOM Country	UNITED KINGDOM Citizenship
NORTHPOINT THE DRIFTWAY UPPER BEEDING			
Mailing Address			
STEYNING, WEST SUSSEX City	State	BN44 3JX Zip	UNITED KINGDOM Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

§ 1.56 DUTY TO DISCLOSE INFORMATION MATERIAL TO PATENTABILITY. (Added 3/16/92)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: (Added 3/16/92)

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (Added 3/16/92)
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office. (Added 3/16/92)

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (Added 3/16/92)

- Best Available Copy
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (Added 3/16/92)
 - (2) It refutes, or is inconsistent with, a position the applicant takes in: (Added 3/16/92)
 - (i) Opposing an argument of unpatentability relied on by the Office, or (Added 3/16/92)
 - (ii) Asserting an argument of patentability. (Added 3/16/92)
- A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (Added 3/16/92)
- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (Added 3/16/92)
 - (1) Each inventor named in the application: (Added 3/16/92)
 - (2) Each attorney or agent who prepares or prosecutes the application; and (Added 3/16/92)
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. (Added 3/16/92)
 - (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor. (Added 3/16/92)
 - (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. (Added 11/7/00)

ASSIGNMENT

WHEREAS, I/We, Tristan Richard Ghislain Davenne and John Cambridge Smith, a citizen of/ citizens of the United Kingdom, residing at 15 Chapel Road, Epping, Essex, CM16 5DS, United Kingdom; and Northpoint, The Driftway, Upper Beeding, Steyning, West Sussex, BN44 3JX, United Kingdom, have invented certain new and useful improvements in GEAR ASSEMBLY for which I/We have made application for Letters Patent of the United States, which application may be identified in the United States Patent and Trademark Office as Serial No. 10/594,260, filed September 25, 2006; which application claims priority from International Application No. PCT/GB2005/001087, filed March 22, 2005; and,

WHEREAS, Edwards Limited, an English Company of Manor Royal, Crawley, West Sussex, RH10 9LW, United Kingdom, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me/us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I/WE, the said Tristan Richard Ghislain Davenne and John Cambridge Smith have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **Edwards Limited**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the invention, the said improvements, and the said application, all applications derived therefrom and all continuing prosecution applications, conversions, divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent or Inventor's Certificates which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent or Inventor's Certificates which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I/We hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **Edwards Limited**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

I/WE HEREBY covenant that I/We have full right to convey the entire interest herein assigned, and that I/WE have not executed, and will not execute, any agreement in conflict herewith.

AND I/WE HEREBY further covenant and agree that I/We will communicate to the said **Edwards Limited**, its successors, legal representatives and assigns, any facts known to me/us respecting said invention and said improvements, and testify in any legal proceeding, sign all lawful papers, execute all continuing prosecution, divisional, continuing, reexamination and reissue applications, make all rightful oaths, and generally do everything possible to aid the said **Edwards Limited**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said inventions and improvements in all countries.

<u>Date</u>	<u>Assignor</u>	<u>Witnessed By:</u>
	Tristan Richard Ghislain Davenne	At: _____ _____
	John Cambridge Smith	At: _____ _____

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/594,260
Filing Date	September 25, 2006
First Named Inventor	DAVENNE et al.
Title	GEAR ASSEMBLY
Art Unit	
Examiner Name	
Attorney Docket Number	M04B101

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

Practitioners associated with the Customer Number: 71134

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

OR

The address associated with Customer Number: 71134

OR

Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	
Name	TRISTAN RICHARD GHISLAIN DAVENNE	Telephone	
Title and Company			

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Track results detail

[► Print this page](#)

Tracking results detail for 8649503133

Tracking summary

Current Status	Shipment delivered.
Delivered on	3/26/2008 10:07 am
Delivered to	
Signed for by	DAVENNE

Tracking history

Date and Time	Status	Location
3/26/2008 10:07 am	Shipment delivered. With delivery courier.	Gatwick, United Kingdom
3/14/2008 8:24 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
3/13/2008 9:49 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
3/12/2008 9:58 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
3/12/2008 10:11 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
3/11/2008 10:17 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
3/10/2008 8:41 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
3/7/2008 10:12 am	Delivery attempted; recipient not home With delivery courier. Arrived at DHL facility.	Gatwick, United Kingdom
8:34 am		East Midlands, United Kingdom
6:36 am		East Midlands, United Kingdom
3:40 am		Wilmington, OH
3/6/2008 5:59 pm	Depart Facility	Wilmington, OH
6:49 am	Transit through DHL facility	Allentown Hub, PA
2:10 am	Depart Facility	Parsippany, NJ
1:02 am	In transit.	Parsippany, NJ
3/5/2008 10:57 pm	Transit through DHL facility	Parsippany, NJ
10:05 pm	Depart Facility	Parsippany, NJ
9:57 pm	Processed at DHL Location. Shipment picked up	Parsippany, NJ

Ship From:
BOC EDWARDS INC
Morristown, NJ 07960
United States

Ship To:
Essex, United Kingdom

Shipment Information:
Ship date: 3/5/2008
Pieces: 1
Total weight: 1 lb *

Ship Type:
Shipment Reference: MO4B101
Service: Express
Special Service:
Description: DOCS

Tracking detail provided by DHL: 3/26/2008, 5:39:58 am pt.

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* Note on weight:
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LEGAL SERVICES

VIA DHL

March 5, 2008

55 Madison Avenue, Suite 400
Morristown, NJ 07960 USA

Tel: +1 973 285 3309
In USA: +1 800 848 9800
Fax: +1 973 285 3320

Mr. Tristan Richard Ghislain Davenne
15 Chapel Road
Epping
Essex CM16 5DS
United Kingdom

RE: U.S. Patent Application No. 10/594,260
Filing Date: September 25, 2006
Title: GEAR ASSEMBLY
Docket No. M04B101

Dear Mr. Davenne:

On February 5, 2008 a letter was mailed to you that requested your review and execution of a Declaration form, a Power of Attorney form and an Assignment contract relating to the above-referenced patent application. A further copy of this letter and the documents for execution are enclosed.

We note that the DHL record (i.e. DHL No. 8649503052) concerning shipment of these documents was signed for by "Davenne" on February 7, 2008. To date, we have received neither an e-mail nor the executed documents nor any communication from you whatsoever. Once again, please contact me at your earliest convenience, but by no later than March 10, 2008, regarding when we can expect to receive the executed documents.

Note that we have made diligent efforts to secure your review and execution of the Declaration, Power of Attorney and Assignment documents.

On August 30, 2007, a letter regarding the above-referenced patent application was sent to your last known address at the time. Thereafter, we learned that you had moved as shown in the enclosed tracking history for DHL No. 7407809743, the entry entitled "9/3/2007 10:18 am."

On September 25, 2007, we obtained a more recent address for you and on October 9, 2007 sent to your new address, another letter dated October 9, 2007 regarding the above-referenced patent application. Thereafter we learned that the shipment was received and signed for by "Davenne" as shown in the enclosed tracking history for DHL No. 7407809953, the entries entitled "Signed for by" and "10/11/2007 10:46 am."

In yet another attempt to communicate with you, we sent a follow-up letter dated October 22, 2007 which was received and signed for by "Davenne" as shown in the enclosed tracking history for DHL No. 740789032, the entries entitled "Signed for by" and "10/24/2007 11:12 am."

On February 5, 2008 we mailed to you, once again, a letter together with a complete set of the formal documents for your review and execution. The February 5, 2008 letter was received and signed for by "Davenne" as shown in the enclosed tracking history for DHL No. 8649503052.

You have never responded to my October 9, 2007, October, 22, 2007, or February 5, 2008 letters.

In addition to our above-mentioned efforts to contact you and obtain execution of the formal documents, we previously attempted to contact you by mail on November 8, 2006, November 22, 2006 and December 20, 2006. Moreover, we understand that the formal documents were given to you for your execution while you were still employed by Edwards "but...[you] refused to sign them and left them on...[your] desk upon departure" (*See* enclosed May 11, 2007 e-mail).

We request, once again, your cooperation in reviewing the documents and mailing them to us for receipt by no later than March 13, 2008. If I can be of any assistance to you, please do not hesitate to contact me.

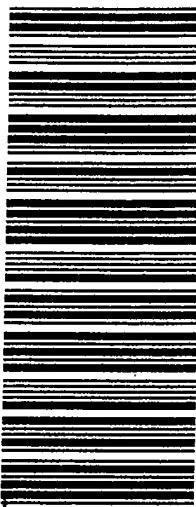
Sincerely,



Kristi Nicholes, J.D.
Patent Agent
Edwards
Tel.: 1-973-285-3309
Fax: 1-973-285-3320
E-mail: kristi.nicholes@edwardsvacuum.com

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INTERNATIONAL SHIPMENT		CMG CM6									
864 9503 133											
ORIGIN MHU		DESTINATION CODE									
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1 Payer account number and shipment value protection details Charge to <input checked="" type="checkbox"/> Shipper <input type="checkbox"/> Receiver <input type="checkbox"/> 3rd Party Payer Account No. _____ Shipment Value Protection (see reverse) <input type="checkbox"/> Yes Declared Value for Carriage (in US \$) _____ <small>Not all payment options are available in all countries.</small>		4 Shipment Details Total number of packages one If DHL Express Document packaging used, enter XD. _____ Dimensions (in inches) Pieces @ _____ x _____ Height _____ _____ @ _____ x _____ lbs. _____ @ _____ x _____									
2 From (Shipper) Shipper's Account Number M04B101 Contact Name Betty Lee Shipper's Reference (up to 35 characters) STE 400 55 MADISON AVE MORRISTOWN NJ		5 Full Description of Contents <small>Give Content and Quantity</small> business correspondence - 73 Pages no commercial value									
6 Dutiable Shipments Only (Customs requirement) <small>Attach the original and four copies of a Proforma or Commercial Invoice. Export License No./Symbol (if applicable). Receiver's VAT/GST or Shipper's EIN/SSN</small>		Schedule B Number / Harmonized Code (if applicable) <small>(as on commercial/proforma invoice)</small> AES TRANSACTION NUMBER _____ <small>Destination Duties/Taxes If left blank, Receiver pays duties/taxes.</small> <input type="checkbox"/> Receiver <input type="checkbox"/> Shipper <input type="checkbox"/> Other									
7 To (Receiver) Company Name _____ Contact Person _____ Mr. Tristan Richard Ghislain Davenne <small>Delivery Address DHL Cannot Deliver to a PO Box</small>		PICKED UP BY <small>Specify address account number</small> The Bureau of Export Administration, Division to countries contrary to U.S. law prohibited 7 Shipper's Authorization (Signature required) <small>I/we agree that DHL's standard terms apply to this shipment and limit DHL's liability for loss or damage to U.S. \$100. The Warsaw Convention may also apply (see reverse). I/we authorize DHL to complete other documents necessary to export this shipment. I/we understand that shipment value protection is available from the U.S. are in compliance with the U.S. Bureau of Export Administration. Diversion to countries contray to U.S. law prohibited</small> <small>I/we agree to pay all charges if the recipient or 3rd party refuses to pay. I/we understand that DHL DOES NOT TRANSPORT CASH.</small> <small>Signature (required)</small> United Kingdom Country _____ CM16 5DS <small>Phone, Fax, or E-mail (required)</small>									
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Complete sections 1-8. You are making 4 copies, please press hard.



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February 5, 2008

LEGAL SERVICES - INTELLECTUAL PROPERTY

55 Madison Avenue
Morristown, NJ 07960
USA

Tel: +1 973 285 3309
In USA: +1 800 848 9800
Fax: +1 973 285 3320

Mr. Tristan Richard Ghislain Davenne
15 Chapel Road
Epping
Essex CM16 5DS
United Kingdom

RE: U.S. Patent Application No. 10/594,260
Filing Date: September 25, 2006
Title: GEAR ASSEMBLY
Dkt. No. M04B101

Dear Mr. Davenne:

In following up with you, once again, regarding my correspondence of October 9, 2007, it has come to my attention that a page of the Declaration mailed to you on October 9th was inadvertently not included.

Accordingly, enclosed please find a copy of the above-referenced patent application for the invention of which you are a co-inventor. Also enclosed for your execution is (a) a complete inventor's Declaration to be signed (and dated) by you in blue ink; (b) an Assignment which you should sign on the same date that you sign (and date) the Declaration; and (c) a Power of Attorney and Correspondence Address Indication Form which you should also please sign and date.

Please review the application carefully and make sure that you agree with its contents prior to executing the Declaration.

If there are no changes to be made, please read the Declaration carefully, paying particular attention to the fact that, by signing the Declaration, you acknowledge the following:

- a) To the best of your knowledge, you are the first and true inventor of the subject matter of the patent application.
- b) You owe the highest duty of candor and good faith in your dealings with the Patent and Trademark Office, and in discharge of this duty, you must disclose to the Patent and Trademark Office any information of which you are aware that is "material to examination of this application" as defined in the attached 37 CFR § 1.56. Such information is material when, at least in part, there is a substantial likelihood that a patent examiner would consider it important in deciding whether the subject matter of the present application is patentable.

After these steps have been taken, please sign (and date) the Declaration.

The Assignment should be signed by you and witnessed at the same time that you sign and date the Declaration.

The Power of Attorney and Correspondence Address Indication Form should be signed and dated by you.

Please return the application copy with the signed Declaration, signed Assignment and signed Power of Attorney. The extra copy of the application is for your records.

Mr. Tristan Richard Ghislain Davenne
February 5, 2008
Page 2

I look forward to receiving these papers as soon as possible. Indeed, please send me an e-mail regarding when the papers can be expected.

On behalf of Edwards Vacuum, Inc., thank you once again for your submittal of the above-referenced invention record on which the patent application is based. If you have any concerns or questions, please do not hesitate to contact me.

Best Regards,



Kristi Nicholes | Patent Agent | Edwards
Tel: 1 973 285 3309 | Mobile: 1 862 812 4944 | kristi.nicholes@edwardsvacuum.com

Enclosures

Declaration (attached to § 1.56 and application as filed)
Application as filed
Power of Attorney
Assignment

MKN:bjl

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted With Initial Filing OR Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	M04B101
First Named Inventor	DAVENNE et al.
COMPLETE IF KNOWN	
Application Number	10/594,260
Filing Date	September 25, 2006
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

GEAR ASSEMBLY

(Title of the Invention)

the specification of which

 is attached hereto**OR** was filed on (MM/DD/YYYY) 03/22/2005 as United States Application Number or PCT InternationalApplication Number PCT/GB2005/001087 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
0406887.0	GB	03/26/2004	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: The address associated with Customer Number: 71134 OR Correspondence address below

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Address

City

State

ZIP

Country

Telephone

Email

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) TRISTAN RICHARD GHISLAIN		Family Name or Surname DAVENNE	
Inventor's Signature			Date
Residence: City EPPING, ESSEX	State	Country UNITED KINGDOM	Citizenship UNITED KINGDOM
Mailing Address 15 CHAPEL ROAD			
City EPPING, ESSEX	State	Zip CM16 5DS	Country UNITED KINGDOM
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the <u>one</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

DECLARATION**ADDITIONAL INVENTOR(S)**
Supplemental Sheet

Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
JOHN CAMBRIDGE		SMITH	
Inventor's Signature		Date	
STEYNING, WEST SUSSEX	State	UNITED KINGDOM	UNITED KINGDOM
Residence: City		Country	Citizenship
NORTHPOINT THE DRIFTWAY UPPER BEEDING			
Mailing Address			
STEYNING, WEST SUSSEX	State	BN44 3JX	UNITED KINGDOM
City		Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

§ 1.56 DUTY TO DISCLOSE INFORMATION MATERIAL TO PATENTABILITY. (Added 3/16/92)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: (Added 3/16/92)

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (Added 3/16/92)
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office. (Added 3/16/92)

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and. (Added 3/16/92)

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (Added 3/16/92)
- (2) It refutes, or is inconsistent with, a position the applicant takes in: (Added 3/16/92)
 - (i) Opposing an argument of unpatentability relied on by the Office, or (Added 3/16/92)
 - (ii) Asserting an argument of patentability. (Added 3/16/92)

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (Added 3/16/92)

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (Added 3/16/92)

- (1) Each inventor named in the application: (Added 3/16/92)
- (2) Each attorney or agent who prepares or prosecutes the application; and (Added 3/16/92)
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. (Added 3/16/92)
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor. (Added 3/16/92)
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. (Added 11/7/00)

ASSIGNMENT

WHEREAS, I/We, Tristan Richard Ghislain Davenne and John Cambridge Smith, a citizen of/ citizens of the United Kingdom, residing at 15 Chapel Road, Epping, Essex, CM16 5DS, United Kingdom; and Northpoint, The Driftway, Upper Beeding, Steyning, West Sussex, BN44 3JX, United Kingdom, have invented certain new and useful improvements in GEAR ASSEMBLY for which I/We have made application for Letters Patent of the United States, which application may be identified in the United States Patent and Trademark Office as Serial No. 10/594,260, filed September 25, 2006; which application claims priority from International Application No. PCT/GB2005/001087, filed March 22, 2005; and,

WHEREAS, Edwards Limited, an English Company of Manor Royal, Crawley, West Sussex, RH10 9LW, United Kingdom, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me/us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I/WE, the said Tristan Richard Ghislain Davenne and John Cambridge Smith have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **Edwards Limited**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the invention, the said improvements, and the said application, all applications derived therefrom and all continuing prosecution applications, conversions, divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent or Inventor's Certificates which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent or Inventor's Certificates which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I/WE hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **Edwards Limited**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

I/WE HEREBY covenant that I/We have full right to convey the entire interest herein assigned, and that I/WE have not executed, and will not execute, any agreement in conflict herewith.

AND I/WE HEREBY further covenant and agree that I/We will communicate to the said **Edwards Limited**, its successors, legal representatives and assigns, any facts known to me/us respecting said invention and said improvements, and testify in any legal proceeding, sign all lawful papers, execute all continuing prosecution, divisional, continuing, reexamination and reissue applications, make all rightful oaths, and generally do everything possible to aid the said **Edwards Limited**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said inventions and improvements in all countries.

<u>Date</u>	<u>Assignor</u>	<u>Witnessed By:</u>
	Tristan Richard Ghislain Davenne	At: _____ _____
	John Cambridge Smith	At: _____ _____

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/594,260
Filing Date	September 25, 2006
First Named Inventor	DAVENNE et al.
Title	GEAR ASSEMBLY
Art Unit	
Examiner Name	
Attorney Docket Number	M04B101

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

 Practitioners associated with the Customer Number: 71134

OR

 Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

 The address associated with the above-mentioned Customer Number:

OR

 The address associated with Customer Number: 71134

OR

<input type="checkbox"/>	Firm or Individual Name			
Address				
City		State		Zip
Country				
Telephone		Email		

I am the:

 Applicant/Inventor.

 Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
SIGNATURE of Applicant or Assignee of Record

Signature	Date	
Name	TRISTAN RICHARD GHISLAIN DAVENNE	Telephone
Title and Company		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

 *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Track results detail

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Tracking results detail for 8645994280

Tracking summary

Current Status

Shipper Contacted

Tracking history

Date and Time	Status	Location
6/12/2008 2:07 pm	Shipper Contacted	Gatwick, United Kingdom
6/6/2008 10:13 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
6/5/2008 10:06 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
6/4/2008 9:51 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
6/3/2008 9:55 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
6/2/2008 10:06 am	Delivery attempted; recipient not home 7:33 am	Gatwick, United Kingdom
5/27/2008 10:54 am	With delivery courier. Delivery attempted; recipient not home	Gatwick, United Kingdom
5/22/2008 5:55 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
5/21/2008 5:40 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
5/20/2008 5:52 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
5/19/2008 12:09 pm	Delivery attempted; recipient not home 8:05 am	Gatwick, United Kingdom
	6:32 am	Gatwick, United Kingdom
	5:20 am	London-heathrow, United Kingdom
	2:14 am	London-heathrow, United Kingdom
5/18/2008 7:13 pm	Processed at DHL Location.	London-heathrow, United Kingdom
	Transit through DHL facility	East Midlands, United Kingdom
8:39 am	Depart Facility	East Midlands, United Kingdom
8:39 am	In transit.	East Midlands, United Kingdom
4:03 am	Transit through DHL facility	Wilmington, OH
5/17/2008 7:50 am	Depart Facility	Wilmington, OH
2:58 am	In transit.	Wilmington, OH
2:58 am	Processed at DHL Location.	Allentown Hub, PA
12:41 am	Transit through DHL facility	Parsippany, NJ
5/16/2008 10:50 pm	Depart Facility	Parsippany, NJ
9:08 pm	Processed at DHL Location.	Parsippany, NJ
8:56 pm	Shipment picked up	Parsippany, NJ

Ship From:
BOC EDWARDS INC
Morristown, NJ 07960
United States

Ship To:
Essex, United Kingdom

Shipment Information:
Ship date: 5/16/2008
Pieces: 1
Total weight: 1 lb *
Ship Type:
Shipment Reference: M04B101
Service: Express
Special Service:
Description: DOCS

Tracking detail provided by DHL: 6/12/2008, 7:52:07 am pt.

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LEGAL SERVICES - INTELLECTUAL PROPERTY

VIA DHL

May 15, 2008

55 Madison Avenue
Morristown, NJ 07960
USATel: +1 973 285 3309
In USA: +1 800 848 9800
Fax: +1 973 285 3320

Mr. Tristan Richard Ghislain Davenne
15 Chapel Road
Epping
Essex CM16 5DS
United Kingdom

RE: U.S. Patent Application No. 10/594,260
Filing Date: September 25, 2006
Title: GEAR ASSEMBLY
Dkt. No. M04B101

Dear Mr. Davenne:

On March 5, 2008, we mailed to you a letter (copy enclosed) requesting that you review and execute a Declaration form, a Power of Attorney form and an Assignment contract relating to the above-referenced patent application (copies enclosed).

Our records indicate that shipment of our March 5, 2008 letter, as tracked by DHL No. 8649503133 (copy enclosed), was delivered on March 26, 2008 and signed for by "Davenne." However, we have not yet received back from you the executed documents nor have we been contacted by you regarding any issues you may have regarding our request. Kindly contact me as soon as possible, but by no later than May 23, 2008, regarding when we can expect to receive the executed documents.

We request, once again, your cooperation in reviewing and executing the Declaration form, Power of Attorney form and Assignment contract, and mailing them to us for receipt by no later than May 30, 2008. Please do not hesitate to contact me if you need any assistance.

Sincerely,

Kristi Nicholes, J.D.
Patent Agent
Edwards
Tel.: 1-973-285-3309
Fax.: 1-973-285-3320
E-mail: kristi.nicholes@edwardsvacuum.com

Enclosures

MKN:bjl

REORDER 802404455-17

QTY 300

3

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DESTINATION CODE

MMU

Inc.

1200 South Pine Island

Road

Plantation, Florida 33324

Original (DHL Billing) Copy

AB0015 EC (11/04)

00000000000000000000000000000000

1 Payer account number and shipment value protection details

Charge to Shipper Receiver 3rd Party

Payer Account No.

Shipment Value Protection (see reverse)

Not all payment options are available in all countries.

Yes Declared Value for Carriage (in US \$)

2 From (Shipper)

Contact Name **Betty Lee**

Shipper's Account Number **802404455**

Shipper's Reference (up to 35 characters) **MO4B101**

Company Name **EDWARDS VACUUM INC**

Address **STE 400
55 MADISON AVE
MORRISTOWN NJ**

Post/ZIP Code (required) **079607337**

Phone, Fax, or E-mail (required) **973 285 3382**

Delivery Address **DHL Cannot Deliver to a PO Box**

3 To (Receiver)

Company Name **Mr. Tristan Richard Chislain Davenne**

Contact Person **Mr. Tristan Richard Chislain Davenne**

Delivery Address **DHL Cannot Deliver to a PO Box**

15 Chapel Road

EPPING

Essex CM16 5DS

UNITED KINGDOM

Country **UNITED KINGDOM**

Post/ZIP Code (required) **CM16 5DS**

Phone, Fax, or E-mail (required) **Beth Lee**

Date **5 / 16 / 08**

Signature (required) **Beth Lee**

2005

Complete sections 1-8. You are making 4 copies, please press hard.

8 Products & Services

No products or service options are available below all locations.

International Express Envelope

Non-Deliverable Document Service

Domestic Priority Express

Worldwide Priority Express

Other... Service Options (extra charges may apply)

Saturday Delivery Special Shop...

Delivery Notification Signature Required

Other...

Global Mail

Int. Priority Int. Standard IPA ISAL

Dom. Priority Dom. Standard

Other...

Dimension/Chargeable Weight

Services Charges

Drop Box # Total

Transport Collector Sticker No.

Payment Details (Check Cont. No.)

No:

Type _____

Auth. _____

Date _____

Time _____

4 Shipment Details

Total Weight

If DHL Express Document packaging used, enter XD.

Pieces

Dimensions (in inches)

Length

x

Width

x

Height

x

lbs

@

@

@

x

x

x

Other...

5 Full Description of Contents

Give Content and Quantity

patent appln, declaration, assignment,

power of attorney forms (39 pages)



LEGAL SERVICES

55 Madison Avenue, Suite 400
Morristown, NJ 07960 USA

Tel: +1 973 285 3309
In USA: +1 800 848 9800
Fax: +1 973 285 3320

VIADHL

March 5, 2008

Mr. Tristan Richard Ghislain Davenne
15 Chapel Road
Epping
Essex CM16 5DS
United Kingdom

RE: U.S. Patent Application No. 10/594,260
Filing Date: September 25, 2006
Title: GEAR ASSEMBLY
Docket No. M04B101

Dear Mr. Davenne:

On February 5, 2008 a letter was mailed to you that requested your review and execution of a Declaration form, a Power of Attorney form and an Assignment contract relating to the above-referenced patent application. A further copy of this letter and the documents for execution are enclosed.

We note that the DHL record (i.e. DHL No. 8649503052) concerning shipment of these documents was signed for by "Davenne" on February 7, 2008. To date, we have received neither an e-mail nor the executed documents nor any communication from you whatsoever. Once again, please contact me at your earliest convenience, but by no later than March 10, 2008, regarding when we can expect to receive the executed documents.

Note that we have made diligent efforts to secure your review and execution of the Declaration, Power of Attorney and Assignment documents.

On August 30, 2007, a letter regarding the above-referenced patent application was sent to your last known address at the time. Thereafter, we learned that you had moved as shown in the enclosed tracking history for DHL No. 7407809743, the entry entitled "9/3/2007 10:18 am."

On September 25, 2007, we obtained a more recent address for you and on October 9, 2007 sent to your new address, another letter dated October 9, 2007 regarding the above-referenced patent application. Thereafter we learned that the shipment was received and signed for by "Davenne" as shown in the enclosed tracking history for DHL No. 7407809953, the entries entitled "Signed for by" and "10/11/2007 10:46 am."

In yet another attempt to communicate with you, we sent a follow-up letter dated October 22, 2007 which was received and signed for by "Davenne" as shown in the enclosed tracking history for DHL No. 740789032, the entries entitled "Signed for by" and "10/24/2007 11:12 am."

On February 5, 2008 we mailed to you, once again, a letter together with a complete set of the formal documents for your review and execution. The February 5, 2008 letter was received and signed for by "Davenne" as shown in the enclosed tracking history for DHL No. 8649503052.

You have never responded to my October 9, 2007, October, 22, 2007, or February 5, 2008 letters.

In addition to our above-mentioned efforts to contact you and obtain execution of the formal documents, we previously attempted to contact you by mail on November 8, 2006, November 22, 2006 and December 20, 2006. Moreover, we understand that the formal documents were given to you for your execution while you were still employed by Edwards "but...[you] refused to sign them and left them on...[your] desk upon departure" (See enclosed May 11, 2007 e-mail).

We request, once again, your cooperation in reviewing the documents and mailing them to us for receipt by no later than March 13, 2008. If I can be of any assistance to you, please do not hesitate to contact me.

Sincerely,



Kristi Nicholes, J.D.
Patent Agent
Edwards
Tel.: 1-973-285-3309
Fax: 1-973-285-3320
E-mail: kristi.nicholes@edwardsvacuum.com



Track results detail

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Tracking results detail for 8649503133

Tracking summary

Current Status	Shipment delivered.
Delivered on	3/26/2008 10:07 am
Delivered to	
Signed for by	DAVENNE

Tracking history

Date and Time	Status	Location
3/26/2008 10:07 am	Shipment delivered.	Gatwick, United Kingdom
8:24 am	With delivery courier.	Gatwick, United Kingdom
3/14/2008 9:49 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
3/13/2008 9:58 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
3/12/2008 10:11 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
3/11/2008 10:17 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
3/10/2008 8:41 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
3/7/2008 10:12 am	Delivery attempted; recipient not home	Gatwick, United Kingdom
8:34 am	With delivery courier.	Gatwick, United Kingdom
6:36 am	Arrived at DHL facility.	Gatwick, United Kingdom
3:40 am	Depart Facility	East Midlands, United Kingdom
3/6/2008 5:59 pm	Transit through DHL facility	East Midlands, United Kingdom
6:49 am	Depart Facility	Wilmington, OH
2:10 am	In transit.	Wilmington, OH
1:02 am	Transit through DHL facility	Allentown Hub, PA
3/5/2008 10:57 pm	Depart Facility	Parsippany, NJ
10:05 pm	Processed at DHL Location.	Parsippany, NJ
9:57 pm	Shipment picked up	Parsippany, NJ

Ship From:
BOC EDWARDS INC
Morristown, NJ 07960
United States

Ship To:
Essex, United Kingdom

Shipment Information:
Ship date: 3/5/2008
Pieces: 1
Total weight: 1 lb *

Ship Type:
Shipment Reference: MO4B101
Service: Express
Special Service:
Description: DOCS

Tracking detail provided by DHL: 3/26/2008, 5:39:58 am pt.

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* Note on weight:
The weights displayed on this website are the weights provided when the shipment was created. Actual chargeable weights may be different and will be provided on invoice.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted With Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	M04B101
First Named Inventor	DAVENNE et al.
COMPLETE IF KNOWN	
Application Number	10/594,260
Filing Date	September 25, 2006
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

GEAR ASSEMBLY

the specification of which

(Title of the Invention)

is attached hereto

OR

was filed on (MM/DD/YYYY) 03/22/2005 as United States Application Number or PCT International

Application Number PCT/GB2005/001087 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
0406887.0	GB	03/26/2004	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	<input checked="" type="checkbox"/> The address associated with Customer Number:	71134	OR	<input type="checkbox"/> Correspondence address below
Name				
Address				
City	State		ZIP	
Country	Telephone	Email		

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) TRISTAN RICHARD GHISLAIN		Family Name or Surname DAVENNE	
Inventor's Signature			Date
Residence: City EPPING, ESSEX	State	Country UNITED KINGDOM	Citizenship UNITED KINGDOM
Mailing Address 15 CHAPEL ROAD			
City EPPING, ESSEX	State	Zip CM16 5DS	Country UNITED KINGDOM
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the one		supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION**ADDITIONAL INVENTOR(S)**
Supplemental Sheet

Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
JOHN CAMBRIDGE		SMITH	
Inventor's Signature		Date	
STEYNING, WEST SUSSEX Residence: City	State	UNITED KINGDOM Country	UNITED KINGDOM Citizenship
NORTHPOINT THE DRIFTWAY UPPER BEADING			
Mailing Address			
STEYNING, WEST SUSSEX City	State	BN44 3JX Zip	UNITED KINGDOM Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-788-9199) and select option 2.

§ 1.56 DUTY TO DISCLOSE INFORMATION MATERIAL TO PATENTABILITY. (Added 3/16/92)

(a) A patent by its very nature is affected with a public interest, occurs when, at the time an application is being examined, the Office is aware of, and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: (Added 3/16/92)

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (Added 3/16/92)
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office. (Added 3/16/92)

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and. (Added 3/16/92)

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (Added 3/16/92)
- (2) It refutes, or is inconsistent with, a position the applicant takes in: (Added 3/16/92)

- (i) Opposing an argument of unpatentability relied on by the Office, or (Added 3/16/92)
- (ii) Asserting an argument of patentability. (Added 3/16/92)
- A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (Added 3/16/92)

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (Added 3/16/92)
- (1) Each inventor named in the application: (Added 3/16/92)
- (2) Each attorney or agent who prepares or prosecutes the application; and (Added 3/16/92)
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. (Added 3/16/92)
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor. (Added 3/16/92)
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. (Added 11/7/00)

ASSIGNMENT

WHEREAS, I/We, Tristan Richard Ghislain Davenne and John Cambridge Smith, a citizen of/ citizens of the United Kingdom, residing at 15 Chapel Road, Epping, Essex, CM16 5DS, United Kingdom; and Northpoint, The Driftway, Upper Beeding, Steyning, West Sussex, BN44 3JX, United Kingdom, have invented certain new and useful improvements in GEAR ASSEMBLY for which I/We have made application for Letters Patent of the United States, which application may be identified in the United States Patent and Trademark Office as Serial No. 10/594,260, filed September 25, 2006; which application claims priority from International Application No. PCT/GB2005/001087, filed March 22, 2005; and,

WHEREAS, **Edwards Limited**, an English Company of Manor Royal, Crawley, West Sussex, RH10 9LW, United Kingdom, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me/us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I/WE, the said Tristan Richard Ghislain Davenne and John Cambridge Smith have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **Edwards Limited**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the invention, the said improvements, and the said application, all applications derived therefrom and all continuing prosecution applications, conversions, divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent or Inventor's Certificates which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent or Inventor's Certificates which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I/We hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **Edwards Limited**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

I/WE HEREBY covenant that I/We have full right to convey the entire interest herein assigned, and that I/WE have not executed, and will not execute, any agreement in conflict herewith.

AND I/WE HEREBY further covenant and agree that I/We will communicate to the said **Edwards Limited**, its successors, legal representatives and assigns, any facts known to me/us respecting said invention and said improvements, and testify in any legal proceeding, sign all lawful papers, execute all continuing prosecution, divisional, continuing, reexamination and reissue applications, make all rightful oaths, and generally do everything possible to aid the said **Edwards Limited**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said inventions and improvements in all countries.

<u>Date</u>	<u>Assignor</u>	<u>Witnessed By:</u>
_____	Tristan Richard Ghislain Davenne	At: _____ _____
_____	John Cambridge Smith	At: _____ _____

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/594,260
Filing Date	September 25, 2006
First Named Inventor	DAVENNE et al.
Title	GEAR ASSEMBLY
Art Unit	
Examiner Name	
Attorney Docket Number	M04B101

I hereby revoke all previous powers of attorney given in the above-identified application.
I hereby appoint:

Practitioners associated with the Customer Number:

71134

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

OR

The address associated with Customer Number:

71134

Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	
Name	TRISTAN RICHARD GHISLAIN DAVENNE	Telephone	
Title and Company			

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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